

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	23-CR-622 (JMF)
-v-	:	
	:	<u>ORDER</u>
MICHAEL CASTILLERO, et al.,	:	
	:	
Defendants.	:	
-----X	:	

JESSE M. FURMAN, United States District Judge:

The parties shall appear **in-person** for oral argument on Defendants’ pending motions, *see* ECF Nos. 91, 92, 94, on **August 26, 2025**, at **11:00 a.m.**¹ Unless and until the Court orders otherwise, argument will be held in **Courtroom 24B** of the **Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, New York (which, at some point in the near future, will be the undersigned’s permanent courtroom).**

In addition, **no later than August 13, 2025**, Defendants shall submit a joint letter:

- (1) confirming whether or not any Defendant intends to press an advice-of-counsel defense;
- (2) with a chart with separate columns containing the following:
 - a. all statements from the proffer notes that any Defendant believes implicate an applicable privilege;
 - b. the person(s) or entity to whom the privilege belongs; and
 - c. why the communication constitutes confidential communications made for the purpose of obtaining or imparting legal advice.

The chart should include a fourth column labeled “Government Response” to be filled in by the Government. When filing the chart, Defendants shall simultaneously serve a copy of the Chart in Word format on the Government to fill in the last column as indicated below.

- (3) with a second chart with separate columns containing the following:

¹ Defendants themselves are welcome, but not required, to attend if counsel waives their presence on the record. *See* Fed. R. Crim. P. 43(b)(3).


- a. all statements from the proffer notes they believe *they* might seek to introduce at trial that might raise a *Bruton* issue; and
- b. a brief statement as to why the statement would be admissible under the Federal Rules of Evidence.

The chart should include two additional columns labeled “Government Response” to be filled in by the Government. When filing the chart, Defendants shall simultaneously serve a copy of the chart in Word format on the Government to fill in the last columns as indicated below.

No later than August 20, 2025, the Government shall file a letter in response with both charts. In the first chart, the Government shall provide a brief statement in the fourth column regarding whether and why the crime-fraud exception applies to the statement at issue. In the second chart, the Government shall provide in the third column a brief statement regarding the admissibility (or lack thereof) of the relevant statement and in the fourth column its views on whether the statement could be altered in a manner that would satisfy *Bruton* and other relevant precedent. No later than the same date, the Government shall email a copy of the two charts in Word format to both Defendants and the Court.

SO ORDERED.

Dated: August 4, 2025
New York, New York



JESSE M. FURMAN
United States District Judge